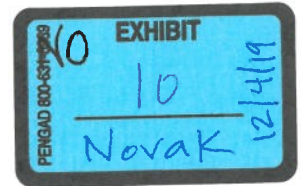


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**



Court, Position, and Seat # for which you are applying: Fourteenth Judicial Circuit
Family Court, Seat #2

1. Name: The Honorable Douglas L. Novak
Mrs.
Ms.

Name that you are known by if different from above
(Example: A Nickname):

Are you currently serving in some capacity as a judge? If part-time, please note.
(Includes Municipal, Magistrate, Etc.) Associate Chief Magistrate (part-time)

Home Address: [REDACTED]

Business Address: 23 Plantation Park Drive, Suite 502
Bluffton, South Carolina 29910

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]
(office): (843) 836.2004
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1968
Place of Birth: Livingston, New Jersey
Social Security Number: [REDACTED]

3. Are you a citizen of South Carolina? Yes
Have you been a resident of this state for at least the immediate past five years? Yes

4. SCDL# or SCHD#: [REDACTED]
Voter Registration Number: [REDACTED]

5. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. Please provide a copy of your DD214 concerning your discharge. No

6. Family Status: In the space below, (a) state whether you are single, married, widowed, divorced, or separated; (b) if married, state the date of your marriage and your spouse's full name and occupation; (c) if you have ever been divorced or are in the process of obtaining a

divorce, state the date, name of the moving party, court, and grounds; and (d) state the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

- (a) Family Status: Married on March 25, 1995 to Erin K. O'Donnell
- (b) Never divorced, one child



7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.

- (a) The University of South Carolina, August 1986-May 1990, BA
- (b) Seton Hall University School of Law, August 1990-May 1991, transfer
- (c) Tulane University School of Law, August 1991-May 1993, JD

8. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.

- (a) Tulane University School of Law Ambassador (1992-1993)
- (b) Tulane University School of Law Public Interest Fellow (1992)
- (c) Tulane University School of Law Family Law Clinic (1992-1993)

9. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. Please indicate the number of times you took the exam in each state.

- (a) South Carolina, admitted 1993, took the bar exam once
- (b) New Jersey, not admitted, took the bar exam twice

10. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years. Please also describe the extent to which you were involved with the administrative and financial management of each of these entities, including management of trust accounts.

- (a) Aiken County Public Defender, 12/15/93-1/15/95
Special Grant Attorney
Assigned to the representation of juveniles in Family Court adjudications.

- (b) Solicitor's Office, Second Judicial Circuit, 1/15/95-1/5/97
Assistant Solicitor
Assigned to full caseload throughout counties in the circuit, in addition to prosecution of juvenile delinquency adjunctions in the Family Court.
- (c) Office of the Governor, 1/6/97-1/5/99
Legal Counsel to the Governor
Served as executive counsel to the Governor including staffing proposed legislation, extraditions, capital case reviews, liaison work with the South Carolina Congressional Delegation and federal agencies associated with the Savannah River Site complex, in addition to representing the State on a number of environmental boards and commissions.
- Low-Level Nuclear Waste Forum
 - Hazardous Waste Management Select Oversight Committee
 - South Carolina Natural Resource Trustee
 - South Carolina Aquatic Plant Management Council
 - South Carolina Geological Mapping Advisory Committee
 - South Carolina Procurement Review Panel
- (d) Montgomery, Patterson, Potts & Willard, LLP, 1/15/99-1/15/01
Partner
General practice law firm with a primary focus on domestic relations, personal injury and corporate litigation.
- (e) Solicitor's Office, Ninth Judicial Circuit, 1/15/01-8/15/04
Assistant Managing Solicitor
Assigned to administration of two (2) county office within circuit, including personnel, budget, grant development and oversight, and department liaison work. Also assigned a caseload for prosecution through trial, diversion and negotiated pleas.
- (f) Novak and Novak, LLC, 8/15/04-9/1/05
Associate
General practice law firm with a primary focus on municipal representation, real estate, domestic relations and civil litigation.
- (g) Vaux & Marscher, P.A., 9/1/05-6/15/09
Senior Litigator
General practice law firm with a primary focus on criminal defense, civil litigation and domestic relations. In addition, assigned management of firm litigation team and support staff.

- (h) The Novak Law Group, LLC, 7/15/09-present
Attorney
General practice law firm with a primary focus on domestic relations, guardian ad litem work, and extensive practice as a Certified Family Court Mediator. Practice includes the management and oversight of general operating and client trust accounts.
- (i) Beaufort County Magistrate Court, 7/2/12-present
Magistrate
Associate Chief Magistrate, 6/25/18-present
Part-time county Magistrate handling civil and criminal matters (jury and non-jury matters), evictions, restraining orders and bond hearings. In addition, staffed with management of judicial clerks, case/hearing scheduling, roster meetings, processing continuance requests and orders of protection, scheduling trials, and civil/criminal docket management.

Justices/judges applying for re-election to their current position may omit Questions 11–17. If you are a full-time judge seeking a judgeship different than your current position, Questions 11-17 should be answered based on your experience *prior to serving on the bench.*

11. Please answer the following:

- (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Family Court Judge. Please also indicate the frequency of your appearances before a Family Court Judge within the past five years.

My professional career has almost always included some degree of practice within the Family Courts of South Carolina. I started my practice out of law school as a special grant attorney assigned to the representation of juvenile delinquency adjudications. When I moved onto the Solicitor's Office, in addition to a caseload of criminal cases in the Court of General Sessions, I was also tasked with representation of the state on the other side of those very same Family Court adjudications. It was also during this time, that I spearheaded the development of a truancy intervention program for Aiken County. In my early private practice outside of government work, I handled all of the firm's domestic relations cases which included, divorces, adoptions, Order of Protection from Domestic Abuse, South Carolina Department of Social Services abuse and neglect matters, and juvenile adjudications. When I took over duties as the Managing Assistant Solicitor, I worked closely with the Family Court staff in Charleston and Berkeley Counties to streamline services and in the development of a Juvenile Arbitration Program.

Rejoining private practice, I again took on the representation of firm clients in divorce, custody, support and division of property matters. Of the many cases I have handled, I am proud to report that a vast majority have been successfully settled through negotiation or mediation. Regardless of the outcome, the cases have involved extensive work with Family Court staff and colleagues, the filing of an original action with the Court, filing or defending Motions for Temporary Relief, preparing financial declarations, filing or defending Rule to Show Cause (RTSC) contempt actions, conducting discovery, and presenting oral arguments before the Family Court. I have litigated cases involving divorce, child custody, requested change in custody actions, actions for modifications of alimony and child support. During the course of my practice of I have represented clients seeking custody or a change in custody involving out of state litigants that required use of the Federal Interstate Compact (UCCJEA), and sadly also represented a client whose children were abducted by a non-custodial parent and involved extensive work with state and federal authorities. In addition, I have been involved a number of Termination of Parental Rights (TPR) cases representing a parent or as a guardian ad litem.

While I presently represent clients in traditional Family Court litigation, the majority of my current practice is devoted to guardian ad litem (GAL) work, and the mediation of Family Court matters. In conjunction with my work as a part-time Magistrate, my schedule has required a degree of flexibility that is not afforded by the day to day representation of domestic relation clients. As such, within the past six (6) years, I have concentrated on the representation of minor children through the GAL appointment process, and the mediation of complex domestic relations cases involving the Court and colleagues in the field.

Within my work as a GAL, I have represented the interests of many minor children through investigation, home visits, general litigation and trial. This portion of my practice relies heavily on my experience in the areas of child custody, adoption, abuse and neglect, and juvenile adjudications. Likewise, my work as a Certified Family Court Mediator draws on my many years of work in the field in successfully resolving complex Family Court cases involving divorce, alimony, equitable division of property, and child custody. I generally carry approximately five (5) ongoing GAL cases at any given time, and regularly conduct and consistently successfully resolve at least two (2) mediated cases per week. I consider it a great honor and ultimately an endorsement of my practice and abilities that I am regularly contacted by colleagues and the Court to serve as a GAL, and/or to mediate complex Family Court cases.

Service as retained counsel and/or as a GAL requires my appearance in Family Court on a very regular basis though motion and contempt hearings, final hearings for the approval of agreements, and/or trial. Over the past five (5) years, I have been appointed to represent a child or multiple children as guardian ad litem in an excess of fifty (50) cases. During that same time, I have mediated over three hundred fifty (350) cases.

- (b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area. Please also indicate the frequency of your appearances before a Circuit Court Judge within the past five years.
- (c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity or a Circuit Court Judge within the past five years.
- (d) If you are a candidate for Administrative Law Court, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law or Circuit Court within the past five years.
12. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?
- (a) federal: N/A
- (b) state: Two – Three times / month as a practicing Attorney
Three – Four times / week as a Magistrate
13. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?
- (a) civil: 5%
- (b) criminal: 0%
- (c) domestic: 95%
- (d) other: 0%
14. What percentage of your practice in trial court during the past five years or in the five years prior to your election to the bench involved matters that went to a jury, including those that settled prior to trial?
- (a) jury: 0%
- (b) non-jury: 100% (Family Court and/or Master in Equity)

During the past five years, did you most often serve as sole counsel, chief counsel, or associate counsel? Sole Counsel

15. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

(a) Walls v. Kitto (2017, Beaufort County Family Court)

I was appointed by the Family Court to serve as the guardian ad litem in this case for two (2) minor children. The parties were previously divorced with the Mother retaining primary custody of the minor children in South Carolina, and the Father having secured visitation with his new family in the State of New Jersey. The action was filed by the Father to secure out-of-state custody of the minor children based on developments in the children's life in South Carolina and alleged interference with his relationship with them. The case was particularly significant in that one of the two minor children is processing significant gender identity issues and the parents were at odds over how to handle and support the minor child through the process. Further complicating the case was the fact that the Father was not the natural father of the minor child facing the personal issues and this fact was unknown to the minor child. While the case is not yet settled with finality, it appears that a great deal of investigations, out-of-state home visits, work with the parents, counselors, extended family and school officials has successfully addressed what developed as a very real crisis, and the parties have found an avenue to productively co-parent the minor children.

(b) Heditiniemi v. Heditiniemi (2011, Beaufort County Family Court)

I was appointed to serve as the guardian ad litem in this case for three (3) minor children. The parties were previously separated with the Mother retaining primary custody of the minor children in South Carolina, while the Father was employed and residing in the District of Columbia. The action was filed by the Father for a divorce and for custody of the minor children alleging abuse and neglect. The case was significant in that the Father was seeking to have the Family Court remove the minor children from the admitted primary custodial parent and allow them to be relocated to another jurisdiction. The case required extensive investigation, work with school officials, law enforcement, counselors and testimony at the multi-day trial of the issues before the Family Court. Based on the investigation and testimony provided to the Court, the Judge determined the best interest of the children were best served by awarding custody to the Father and allowing for the relocation of all three (3) minor children out of the State of South Carolina.

(c) Evans v. Moses (2010, Beaufort County Family Court)

I was retained to represent the interest of the Mother of two (2) minor children who had been previously divorced in the State of Louisiana, and wherein the Father had been named the primary domiciliary parent, subject to my client's visitation rights. Several years later the parties orally agreed to amend the original determination and the minor children began living with her on a full-time basis in South Carolina where the Mother had relocated. Once the Mother had inquired of the Father regarding the formalization of the custody arrangement the parties became entangled in a custody battle where each demanded the minor children reside with them in South Carolina or Louisiana respectively. The case was

significant in that simultaneously with my filing of an action with the South Carolina Family Court to confirm the parties' custody arrangement, the Father filed an action in the Louisiana Family Court to enforce the previously issued (original) Order of custody and visitation. The case required extensive research and utilization of the Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA) to initially successfully litigate and secure jurisdiction, and then the eventual negotiation with Louisiana counsel to mediate a mutually acceptable settlement agreement and dismissal of the Louisiana action.

(d) Johnathon Lilly v. Home Depot USA (2009, United States District Court, District of South Carolina)

I served as lead counsel in this personal injury action that was originally filed in the South Carolina Court of Common Pleas seeking damages for injuries sustained by a firm client while conducting business within a local Home Depot store. Home Depot quickly moved to have the case transferred to federal court and the case was litigated and tried in that forum. The case was significant in that it required a high level of technical development through medical forensics and treatment documentation to establish the accident, resulting injury and the ultimate amortization of damages. The case was further complicated by a countervailing allegation of drug use and illicit criminal activity. In addition, the case was presented to a federal jury and included the development of a claim for the client's spouse for a loss of consortium. This claim was attacked by the Defendant with an assault on the basis of the validity of the common law marriage which required extensive research and litigation over the application of South Carolina legal authority within the trial of the overall personal injury case.

(e) State of South Carolina v. Johnny Philipp Sweat (2001, South Carolina Court of General Sessions)

I served as the assigned Solicitor for the prosecution of this case on behalf of the state. The Defendant was charged with a number of crimes for home invasion involving his estranged family and independent victims. The case was complicated by the fact that the estranged wife of the Defendant was terrified to testify against him and had her own criminal background to contend with once confronted with cross examination on the stand. Likewise, the independent witness/victims in the home during the crime had a criminal history that the defense called into question in attempting to impugn their credibility on the witness stand. The case was significant in that the Defendant and his estranged wife's three (3) minor children were also in the home during the invasion and resulting assault. The state had to establish a basis for the minor children's testimony, extensively prepare them for the actual live testimony and navigate the presentation of the evidence to the jury in front of the Defendant/Father. The jury ultimately returned a guilty verdict and the Defendant was sentenced to twenty (20) years in the state department of corrections for Assault and Battery with Intent to Kill, two (2) counts of Assault and Battery of a High and Aggravated Nature, and Burglary First Degree.

16. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.

(a) Brown v. Stewart, South Carolina Court of Appeals, November 19, 2001

Brown v. Stewart, 348 S.C. 557, 557 S.E.2d 676 (S.C. App. 2001)

- (b)
 - (c)
 - (d)
 - (e)
17. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.
- (a) N/A
 - (b)
 - (c)
 - (d)
 - (e)
18. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.
- (a) Beaufort County Magistrate (part-time), 7/2/12-present
 - (b) Appointed by the Governor / Advice and consent of the South Carolina Senate
 - (c) Criminal: Up to \$500.00, and/or up to thirty (30) days in jail
Civil: Up to \$7,500.00 in controversy
 - (d) Beaufort County Associate Chief Magistrate, 6/25/18-present
 - (e) Appointed by Chief Justice Donald W. Beatty, South Carolina Supreme Court
19. If the answer to question 18 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions. N/A
20. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- (a) South Carolina Supreme Court, November 1993
 - (b) United States District Court, District of South Carolina, October 1995
 - (c) United States District Court of Appeals, Fourth Circuit, February 2000
 - (d) United States Supreme Court, February 2017
21. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture. N/A
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years. Attached.

23. List all published books and articles you have written and give citations and the dates of publication for each. N/A
24. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions. The writing samples are for the Commission's use only and will not be published. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.) Attached.
- (a) South Carolina Court of Common Pleas
(b) South Carolina Court of Appeals (co-authored with law partner)
25. What is your rating or membership status, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.
- (a) Martin-Hubbell: AV Preeminent Rating
26. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) South Carolina Bar Association
(b) Beaufort County Bar Association
(c) Hilton Head Island Bar Association
27. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates. No
28. For sitting or former judges, list all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.
- (a) Private practice of law while serving as a part-time Magistrate
29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates. No
30. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give

details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer. No

31. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.

(a) Private practice of law, sole practitioner, domestic relations, 2009-present

32. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed. No

33. Provide, **as a separate attachment**, a complete, current financial net worth statement that itemizes in detail: Attached.

(a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and

(b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

(A net worth statement form is provided with this questionnaire and you must use this format for submission of your financial statement.)

NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.

34. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details. No

35. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved. No

36. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees? None

37. List the recipient and amount of all contributions made by you, a member of your immediate family, or by a business with whom you are associated, to members of the General Assembly within the past four years.

(a) Senator Tom Davis \$500.00 (6/15/16)

38. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation. No

39. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek or currently hold. Explain how you would resolve any potential conflict of interest. None

40. Describe any interest you or a member of your immediate family has in real property: None

- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
- (b) in which there have been public improvements of \$200 or more that adjoins property in which there have been public improvements of \$200 or more; or
- (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

List the interest you hold and the value and location of the property. Identify as applicable the: N/A

- (a) nature of any potential conflict of interest;
- (b) nature and value of any public improvements; and
- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

41. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement. None

42. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here. N/A

43. For sitting judges, have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received. No

44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office? No

45. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? If so, give details but do not include traffic violations which are subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

[All answers have been received and considered by the Commission, and as noted above, any expunged matters are redacted from the record.]

46. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain. No
47. Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.

(a) 05/02/11: 2011-CP-07-01985, Foreclosure action filed on primary residence
Case dismissed on 12/01/11 with home being sold in a short sale

(b) 04/19/16: 2016-CV-07-10300381, Eviction action against law firm
Case dismissed on 05/05/16 with firm relocating out of office complex

(c) 10/13/16: 2016-CV-07-10300975, Collection action against former client
Case dismissed on 05/05/17 with out of court resolution of matter

48. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.

I am currently covered by malpractice insurance and I have carried personal malpractice insurance since I undertook the solo private practice of law in July of 2009. I was previously (pre-2009) covered by employers. I carry \$1,000,000.00 in coverage, which includes a \$2,500.00 deductible. Included in the policy is Lawyers Professional Liability Insurance (LPLI), and a Cyber Liability and Data Breach Response Policy (Cyber).

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanction, discipline, or finding of misconduct of any kind.

[Yes and no responses are redacted for all candidates unless there is a public discipline.]

50. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details. No

Note: The flash drive with your application materials contains (1) Section 2-19-70(c); (2) JMSC Rule 24, (3) Memo of Guidance, and (4) informal opinions and letters concerning pledging prohibitions, with which third parties acting on your behalf, as well as you, must comply.

51. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details. No
52. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.
- (a) I have undertaken efforts to introduce myself, my candidacy and share my qualifications.
53. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule? Yes
54. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details. No
55. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application packet.*

- (a) P.J. Tanner, Beaufort County Sheriff

████████████████████

[REDACTED]

(b) James Wedgeworth, Charter One Realty

[REDACTED]

(d) Lawrence P. McElynn, Beaufort County Chief Magistrate (retired)

[REDACTED]

(e) Teri H. Porcel, Victim Witness Advocate Coordinator

[REDACTED]

(f) The Honorable Jane D. Fender, Family Court Judge (retired)

[REDACTED]

56. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, how would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

(a) Instagram: I am not active on the platform; however, I maintain an account for purposes of following my daughter

(b) Snapchat: Likewise, I am not active on the platform; however, I maintain an account for purposes of following my daughter

57. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.

(a) Southern Beaufort County Corridor Beautification Committee, Chairman

(b) Port Royal Historic Review Commission

(c) St. Gregory the Great Pastoral Council

(d) St. Vincent's Academy Grounds Beautification Commission

(e) The Gamecock Club

(f) RBC Heritage Golf Tournament, Practice Are Marshall, Co-Chairman

(g) South Carolina Bar, Fourteenth Circuit, Pro-Bono Board

(h) South Carolina Bar, Mock Trial Competition, Judge

(i) South Carolina Bar, Beaufort County, Fee Arbitration Board

(a) The Order of the Palmetto

(b) Eagle Scout, Boy Scouts of America

(c) Certified Family Court Mediator

(d) Finalist for "Best Law Firm" (The Sun Today, 2019)

(e) Bluffton's "Best Attorney" (Bluffton Today, 2012), nominee 2012-present

(f) Beaufort's "Favorite Attorney" (The Island News, 2010)

58. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

I am a firm believer that every individual is a creature of his or her own experiences. In that respect, I think both the breadth and depth of my personal and professional experience will provide me with the necessary tools to effectively serve our state on the Family Court Bench. My career to date has included a great deal of direct experience in the Family Courts of this state from the defense and prosecution of juvenile adjudications, to the more traditional representation of adult clients in divorce, division of property and custody actions. For the past many years, I have also had the opportunity to serve as a guardian ad litem on a regular basis, and to mediate hundreds of cases within the Family Court system. I firmly believe all of these experiences will provide an excellent foundation for the rigors and technical experience required of the Family Court Bench.

At the same time, I have had the opportunity to serve at the highest levels of state government, practiced law in both the firm and solo settings, and have been presiding over criminal and civil cases in the Beaufort County Magistrate Court for the past seven (7) years. On the personal side, I have been married for twenty-four (24) years and have a twenty-one (21) year old daughter who has just graduated Magna Cum Laude with Leadership Distinction from the University of South Carolina. I believe all of this 'experience', both professional and personal, ground me as a person, guide me as an Attorney, and will continue to inspire me as a Judge.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: _____

Sworn to before me this ____ day of _____, 2019.

(Notary Signature)

(Notary Printed Name)
Notary Public for South Carolina
My Commission Expires: _____